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Amendment
Attorney Docket No. S63.2R-10308-US01

Remarks

This Amendment is in response to the Office Action dated June 30, 2004 in which claims 1-40 were rejected under 35 U.S.C. § 102(e) as being anticipated by Vardi et al (U.S. Pat. 6,325,826).

The following paragraphs are presented in the same order and with paragraph headings corresponding to the Office Action.

Claim Rejections—35 U.S.C. § 102

In the Office Action, claims 1-40 were rejected under 35 U.S.C. § 102 as being anticipated by Vardi.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” (MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

As stated above, instant claim 17 requires a system comprising “only a single catheter, the single catheter having only a single balloon” which is advanced to “a bifurcation site along a *primary* guide wire.” (Emphasis added). In contrast to instant claim 17, Applicants submit that Vardi uses *multiple* catheters and multiple balloons (Vardi, col. 8, lines 13 -- 46) as well as a balloon disposed about a *side branch* guidewire to expand the expandable members 38. (Vardi, Column 8, lines 18-37). That is, Vardi uses “a balloon 25 disposed around a *branch* catheter 54 which is threaded along the side branch guidewire 36, *through the main stent* 40” in order to expand the expandable portion 38. (Vardi, column 8, lines 32-35) (Emphasis added). In order to accomplish this, Vardi uses *two* catheters, 48 and 54, and is therefore distinguishable from the instant application.

Furthermore, Vardi does not have a single balloon, stent body, and plurality of members such that the stent body is “expanded by the expansion of the *single* balloon,” the plurality of members thereby “extended radially outward from the first stent body to form a scaffold,” as recited in independent claim 17. Instead, Fig. 7 of Vardi shows the expandable members 38 unexpanded after the main stent body 40 is expanded. Additionally, Fig. 8 of Vardi shows that even after main stent body 40 has been expanded, another balloon 25 is used to

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expand the expandable members 38, further distinguishable from claim 17 of the instant application.

Thus, Applicants submit that independent claim 17 is not unpatentable under 35 U.S.C. § 102 over Vardi. Claims 18 – 19, 21, and 35 – 40 depend from independent claim 17 and are not unpatentable under 35 U.S.C. § 102 for at least the reasons given above. Accordingly, Applicants submit that the rejections to claims 17 – 19, 21, and 35 – 40 are overcome.

Conclusion

In view of the foregoing, Applicants believe that the present application, with claims 17 – 40, is in condition for allowance. Favorable consideration and prompt action to that effect is sincerely requested.

Should the Examiner believe that anything further would be desirable to put the application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: 8/3/2004

By: James L. Shands

James L. Shands

Registration No.: 54439

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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